

APR 13 1993



**UNITED STATES DEPARTMENT OF COMMERCE  
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Group 1500

Paper No. 8

Ex parte Thomas L. Savoy	:	Decision on Petition
Serial No. 07/458,168	:	filed
Filed: 12/28/89	:	March 8, 1993
For: BUILDING MATERIAL WITH	:	
PROTECTION FROM INSECTS, MOLDS,	:	
AND FUNGI	:	

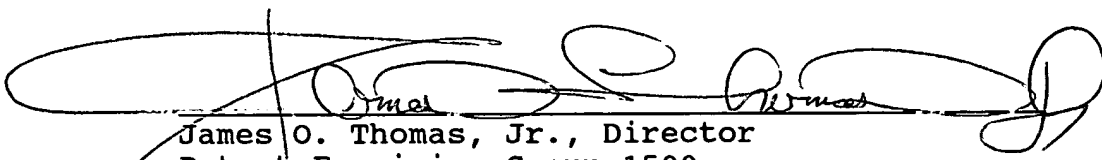
This application is before the Office of the Director, Group 1500, for consideration of the petition filed March 8, 1993. The petition is proper for consideration under the provisions of 37 CFR 1.181.

This application was held to have become abandoned in the communication mailed August 26, 1991 for failure to respond to the Office letter mailed January 18, 1991. It is this holding of abandonment that relief is sought here.

The attorney for applicant states clear and unequivocally that the response identified as Exhibit 2 was mailed to the Office on January 25, 1991. A copy of the PTO mail room date stamp is attached to the response bearing a date of January 30, 1991. These are believed sufficient to establish that this application was never abandoned in fact and should be returned to pending status and it is so ordered.

The copy of the response is placed in the file in lieu of the missing original which is temporarily misplaced. The application is being returned to the Primary Examiner for his prompt consideration of the response.

The petition is Granted.



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